

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:22-cv-00409-MR**

DAYSHAWN BECKHAM,)	
)	
Plaintiff,)	
)	
vs.)	
)	
FNU PETTERSON, et al.,)	<u>ORDER</u>
)	
Defendants.)	
_____)	

THIS MATTER is before the Court on Plaintiff's recent filings in this case. [Docs. 38, 40].

Pro se Plaintiff Dayshawn Beckham ("Plaintiff") is a pre-trial detainee currently housed at Central Prison in Raleigh, North Carolina. On August 16, 2022, he filed this action pursuant to 42 U.S.C. § 1983 against Defendants FNU Petterson and FNU Philip, both identified as Direct Action Response Team (DART) officers employed by the Mecklenburg County Sheriff's Office. [Doc. 1 at 2]. Plaintiff alleged that, on June 2, 2022, while detained at the Mecklenburg County Jail, Defendants beat him while his hands were restrained behind his back. [Id. at 5]. Plaintiff's Complaint passed initial review. [Doc. 10]. Recently, the Court denied Defendants' motion to dismiss this matter for Plaintiff's failure to exhaust administrative

remedies. [Doc. 37].

Since filing his Complaint, Plaintiff has filed numerous improper letters and other documents in this case. [See Docs. 5, 14, 15, 19, 21, 22, 26, 29, 30, 34]. At least twice, the Court has admonished Plaintiff against such future filings, warning him that future improper filings may be summarily denied and/or stricken from the record or result in dismissal of this action. [Doc. 10 at 5; Doc. 37 at 12]. The Court specifically advised Plaintiff to review the Federal Rules of Civil Procedure and the Local Rules of this Court before he files any further documents in this case. [Doc. 37 at 12].

Despite these warnings, Plaintiff has since filed another improper letter and a frivolous motion in this matter. [Docs. 38, 40]. The letter is summarily stricken. In the motion, Plaintiff argues that he “should win by default” because he “sent (2) responses to the defendant’s motion that was filed on January 11th 2023 my first response was on January 16th 2023 and my second response was on January 25th 2023 it has been past 60 days with no response.” [Doc. 40]. Apparently, Plaintiff contends that the Court should grant default judgment in his favor because Defendants did not reply to his responses to their motion to dismiss. [See id.]. This motion is wholly frivolous and unsupported in law and fact. The Court will strike it as frivolous.

Because Plaintiff has repeatedly demonstrated an unwillingness to abide the Court's Orders, governing law and procedure, and warnings by this Court as he prosecutes this case, **the Court hereby expressly warns Plaintiff that future improper and/or frivolous filings with this Court will result in dismissal of this action.**


ORDER

IT IS, THEREFORE, ORDERED that Plaintiff's filings [Docs. 38, 40] are hereby **STRICKEN** from the record in this matter.

IT IS FURTHER ORDERED that this matter will be dismissed without prejudice and without further notice to Plaintiff if he files any further improper or frivolous filings this matter.

IT IS SO ORDERED.

Signed: March 20, 2023



Martin Reidinger
Chief United States District Judge

